



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION IX**

**75 Hawthorne Street**

**San Francisco, CA 94105-3901**

May 11, 2010

Brian Keith Barnett  
T-38323 Facility B8-123L  
Kern Valley State Prison  
3000 W. Cecil Avenue  
Post Office Box 5102  
Delano, CA 93216-5102

Dear Mr. Barnett,

Thank you for your letter of March 3, 2010 to the U.S. Environmental Protection Agency's Region 9 office in San Francisco. I apologize for the delay in responding to you. In this letter you raised several issues that I will address: 1) the perceived lack of enforcement against Kern Valley State Prison (KVSP) by the California Department of Public Health (CDPH), 2) the changing date provided by KVSP for resolution of the arsenic MCL violation, 3) no response to your letters of 12/7/09, 12/22/09, and 1/3/10 to CDPH as of March 3, 2010, 4) Consumer Confidence Reports (CCR) not posted or available, 5) the applicability of drinking water regulations to the KVSP water system, and 6) the health effects of arsenic.

California Department of Public Health (CDPH), as you know, has been delegated primary enforcement authority for implementation of the Public Water Supply Supervision program. CDPH has issued a compliance (enforcement) order against KVSP for the arsenic violation; a copy of the compliance order may be obtained directly from CDPH. The compliance order should specify the timeline by which KVSP must come into compliance with the arsenic standard. CDPH may be contacted at:

California Department of Public Health  
District 12 Office  
Drinking Water Program  
265 West Bullard Avenue, Suite 101  
Fresno, CA 93704

With respect to your concerns about the delayed response to your correspondence, please understand that due to statewide budgetary constraints, CDPH staff are on mandatory furloughs three days per month, and must balance many priorities in a more limited timeframe. I have forwarded your March 3, 2010 letter to CDPH so that they are aware of your concerns about the delayed response and that the CCR was not made available to consumers at KVSP.


You were also concerned about whether enforceable drinking water standards applied to KVSP's groundwater wells as they appeared to be "private" wells. The Kern Valley State Prison

water system is considered a public water system, and, as such, is subject to federal and state drinking water regulations. Under federal law, a public water system is a system that has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least 60 days out of the year. The KVSP water system meets this definition and is regulated by CDPH.

We understand your concern about the health effects of arsenic. I have asked Bruce Macler, a risk assessment specialist in our office, to correspond with you directly regarding the health effects of arsenic. His correspondence will be mailed out concurrently with this letter.

If you have any additional concerns and questions, feel free to contact our office again.

Sincerely,

  
Jill Korte, P.E.  
Environmental Engineer  
Drinking Water Office

Cc: CDPH District 12 Fresno Office